

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue**

REGULAR MEETING

April 18, 2006

5:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meetings of March 9, 2006 and March 20, 2006

2. REGULAR BUSINESS

- A. Recommendation to approve the Final Plat for Cobblestone AKA (Lott-Hurley) – City Planner Cechman
- B. Recommendation to approve the Final Plat for Foxcrest a phase of Stonecrest PUD – Village 3 **AND** approval of a Termination of Easement – City Planner Cechman – City Planner Cechman
- C. Recommendation to approve the Final Plat for Courtlea Park (Division Street) **AND** approval of a Right-of-Way Maintenance Agreement – City Planner Cechman
- D. Recommendation to award Trunkline “C” (Phase II) to JCB Construction, Inc. for \$3,113,797.52 – Assistant City Manager Robertson
- E. Canvassing Board for the April 11, 2006 run-off election for City Commissioner District I and Mayor/Commissioner District V
- F. **Resolution 06-09:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE GENERAL RUN-OFF ELECTION HELD ON APRIL 11, 2006, FOR CITY COMMISSION DISTRICT 1 AND MAYOR/COMMISSION DISTRICT 5; AUTHORIZING THE ISSUANCE OF CERTIFICATES – City Clerk Golden

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

- A. **Ordinance 06-11:** AMENDING ORDINANCE NUMBER 05-24, RELATING TO THE REZONING OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535, GENERALLY KNOWN AS THE FOWLER PROPERTY, FROM CITY R-1 TO CITY PCD, BY AMENDING SUBSECTION “t” OF SECTION 2 OF ORDINANCE NUMBER 05-24 PERTAINING TO HOURS OF OPERATION PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Winter Garden Villages at Fowler Groves PCD Amendment) – City Planner Cechman

4. MATTERS FROM CITIZENS

5. MATTERS FROM CITY ATTORNEY

6. MATTERS FROM CITY MANAGER – Michael Bollhoefer

7. MATTERS FROM MAYOR AND COMMISSIONERS

ADJOURN to a regular meeting on Thursday, April 27, 2006 at 6:30 p.m. at Tanner Hall

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 06-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 05-24, RELATING TO THE REZONING OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535, GENERALLY KNOWN AS THE FOWLER PROPERTY, FROM CITY R-1 TO CITY PCD, BY AMENDING SUBSECTION "t" OF SECTION 2 OF ORDINANCE NUMBER 05-24 PERTAINING TO HOURS OF OPERATION PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Winter Garden Villages at Fowler Groves PCD Amendment).

WHEREAS, Isabel T. Fowler (as to her life estate) and Fowler Groves Limited Partnership, a Florida limited partnership (as to its fee simple interest), collectively hereinafter referred to as the "Owners", are the Owners of that certain real property located north of the western beltway and east of County Road 535 in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Sembler Florida, Inc., a Florida corporation ("Developer"), is the contract purchaser and developer of the Property; and

WHEREAS, Developer is authorized to act as agent for Owners in connection with obtaining necessary approvals and permits for developing the Property and executing agreements in connection therewith; and

WHEREAS, on September 7, 2005 the City Commission of the City of Winter Garden approved Ordinance 05-24 which rezoned the Property from R-1 to PCD and provided for certain PCD requirements; and

WHEREAS, among the PCD requirements are the imposition of certain hours of operation in connection with commercial businesses within the Property; and

WHEREAS, the Owner and Developer of the Property has petitioned the City to amend the hours of operation as to certain businesses; and

WHEREAS, after public notice and due consideration of public comment, review by the City Staff and the Planning and Zoning Board, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is appropriate; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1. AUTHORITY. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

SECTION 2. AMENDMENT. The City of Winter Garden hereby amends subsection "t" of Section 2 of Ordinance Number 05-24 as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

- t. Hours of Operation**--The hours of operation for any business to be open to the public shall be restricted to the following:
- Restaurants - 6:00 a.m. to midnight Sunday thru Thursday and 6:00 a.m. to 1:00 a.m. Friday and Saturday (or as may otherwise be limited by City ordinance)
 - Bars and Drinking Establishments - 8:00 a.m. to 11:00 p.m. ~~midnight Monday thru Thursday and 8:00 a.m. to 1:00 a.m. Friday and Saturday~~ (or as may otherwise be limited by City ordinance or Charter)
 - Retail, Office, and Services - 7:00 a.m. to 11:00 p.m. (except that a home improvement facility located in the southeast corner of the Property and as depicted on an approved Development Plan, shall be permitted to operate between the hours of 6:30 a.m. to 11:00 p.m.)

Entertainment – 8:00 a.m. to midnight Sunday thru Thursday and 8:00 a.m. to 1:00 a.m. Friday and Saturday (or as may otherwise be limited by City ordinance or Charter)

Gasoline Pumps – 24 hours a day

Convenience Stores (as defined by ITE) - 24 hours if operated in conjunction with Gasoline Pumps

Convenience Stores (as defined by ITE)—7:00 a.m. to 11:00 p.m. if not operated in conjunction with Gasoline Pumps

Daycares, ~~Health Clubs/Spas, and Gymnasiums~~ – 6:00 a.m. to 11:00 p.m.

Health Clubs/ Spas, and Gymnasiums – 5:00 a.m. to 11:00

Loading Dock Activity – Except as to a home improvement facility located in the southeast corner of the Property and as such is depicted on an approved Development Plan, no loading dock activities or truck deliveries, including semi-tractor trailer deliveries, large truck service, and garbage collection, shall occur between 10:00 p.m. and 7:00 a.m. As to said home improvement facility, no loading dock activities or truck deliveries, including semi-tractor trailer deliveries, large truck service, and garbage collection, shall occur between 10:00 p.m. and 6:30 a.m.

Hurricane Exception -- Upon written approval of the City Manager, the hours of operation of the home improvement facility may be extended for such period of time as provided in said written approval (however, not to extend for more than three days) in the event that the City may be subject to a Hurricane Watch issued by the National Hurricane Center or after a Hurricane Watch issued by the National Hurricane Center. Such extension will not require any action by the City Commission.

SECTION 3. Remaining Ordinance - All other restrictions, conditions, and matters in Ordinance 05-24 remain valid.

SECTION 4. Effective Date. This Ordinance shall become effective upon its approval by the City Commission and upon the effective date of Ordinance 05-24.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

FIRST READING AND PUBLIC HEARING: _____ 2006.
SECOND READING AND PUBLIC HEARING: _____ 2006.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

EXHIBIT "A"